

### **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-16 remain pending, with claims 1, 6, 9, and 14 being independent. In this reply, Applicant has amended independent claims 1 and 9.

#### **Allowable Subject Matter**

Applicant appreciates the Examiner's indication that claims 6-8 and 14-16 are allowed, and further appreciates the Examiner's indication that claims 2-3 and 10-11 would be allowable if rewritten into independent form. For at least reasons discussed below, Applicant believes that all pending claims are in condition for allowance.

#### **Prior Art Rejection**

Claims 1, 4, 5, 9, and 12-13 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Fossum et al. (U.S. Patent No. 6,137,100) in view of Murakami (JP Pub. No. 06-178198). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Independent claim 1 is directed to a digital camera. The digital camera of claim 1 comprises: a diaphragm, which controls an amount of incident light by varying a stop-amount; a solid-state imaging element, which receives the incident light passed through the diaphragm, said solid-state imaging element having a plurality of pixels, each of the pixels being divided into a main pixel, which has a first area for obtaining a high-sensitivity image signal, and a sub-pixel, which has a second area which is smaller than the first area, for obtaining a low-sensitivity image signal; a controller, which individually controls a gain amount of the high-sensitivity image signal and a gain amount of the low-sensitivity image signal in response to the stop-amount of the diaphragm; and a synthesizing processor, which synthesizes the controlled high-sensitivity image signal and the controlled low-sensitivity image signal. Claim 1 now specifies that the incident light is filtered by an infrared-ray cutting filter so as to include only an optical wavelength.

Initially, Applicant respectfully submits that claim 1 defines over the asserted Fossum-Murakami combination for at least reasons set forth in the After Final reply of November 17, 2005, such remarks being incorporated herein by reference for the sake of conciseness.

Furthermore, Applicant notes that claim 1 has been amended to further define over the asserted Fossum-Murakami combination, by now reciting that the incident light is filtered by an inferred-ray cutting filter so as to include only an optical wavelength. Applicant respectfully submits that this feature is taught by neither Fossum nor Murakami.

Therefore, Applicant respectfully submits that claim 1 and claims depending therefrom are patentable over the asserted combination of the prior art. Independent method claim 9 (amended similar to claim 1) and claims depending therefrom are believed to define over the prior art combination based on similar reasoning.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 103.

### Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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